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8
9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 TONY NIVONGSO,

15 Defendant.

Case No. 2:19-CR-323-RFB-NJK

STIPULATION TO CONTINUE
EVIDENTIARY HEARING
(First Request)

16
17 IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A.
18 Trutanich, United States Attorney, and Brian Y. Whang, Assistant United States Attorney,
19 counsel for the United States of America, and Rene L. Valladares, Federal Public Defender,
20 and Raquel Lazo, Assistant Federal Public Defender, counsel for Tony Nivongso, that the
21 Evidentiary Hearing currently scheduled on November 19, 2020 at 11:30 am, be vacated and
22 continued to a date and time convenient to the Court, but no sooner than sixty (60) days.

23 This Stipulation is entered into for the following reasons:

24 1. Given the COVID-19 pandemic and the significant increase in cases in Southern
25 Nevada, the Court advised the parties it will not hold in-person hearings for the next two months
26 in an effort to slow the spread of COVID-19 within the community.

2. Although Mr. Nivongso has previously agreed to waive his in-person appearance, he will not consent to conducting the hearing via video.

3. The parties therefore request a continuance to allow for an in-person evidentiary hearing.

4. The defendant is in custody and agrees with the need for the continuance.

5. The parties agree to the continuance.

6. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B)(i), (iv) and 18 U.S.C. 3161(h)(1)(D).

This is the first request for a continuance of the evidentiary hearing.

DATED this 17th day of November, 2020.

RENE L. VALLADARES
Federal Public Defender

NICHOLAS A. TRUTANICH
United States Attorney

/s/ Raquel Lazo
By _____
RAQUEL LAZO
Assistant Federal Public Defender

/s/ Brian Y. Whang
By _____
BRIAN Y. WHANG
Assistant United States Attorney

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 TONY NIVONGSO,

7 Defendant.

Case No. 2:19-CR-323-RFB-NJK

ORDER

9
10 IT IS THEREFORE ORDERED that the evidentiary hearing currently scheduled for
11 Thursday, November 19, 2020 at 11:30 a.m., be vacated and continued to January 19, 2021
12 at the hour of 9 00 .m.; or to a time and date convenient to the court.

13 DATED this 18th day of November, 2020.

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16 RICHARD F. BOULWARE, II
17 UNITED STATES DISTRICT JUDGE
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